

FILE COPY

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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

SAU VAN DANG,
d/b/a LA NAIL,
RESPONDENTS

FINAL DECISION AND ORDER
96 BAC 014 and 96 BAC 114

LS9710064BAC

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

Sau Van Dang
LA Nail
816 Green Bay Plaza
Green Bay, WI 54304

Barbering and Cosmetology Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. LA Nail, 816 Green Bay Plaza, Green Bay, WI 54304 is duly licensed as a manicuring establishment in the state of Wisconsin (license #537). This license was first granted on August 11, 1995, and is current through July 1, 1999.

2. Sau Van Dang is listed as the owner of LA Nail with the Department of Regulation and Licensing. As an owner, Mr. Dang was and is at all times relevant to this action responsible for compliance with ch. 454, Stats. and Wis. Admin. Code chs. BC 2, 3 and 4.

3. On exact dates unknown, but at least in February 1996 and on June 29, 1996, LA Nail did not disinfect or sterilize reusable manicure instruments prior to use on customers, in violation of sanitation and safety rules.

4 In resolution of this matter, Mr. Dang consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

Sau Van Dang, d/b/a LA Nail, by the conduct referred to in ¶ 3, above, has violated sec. 454.15(2)(i), Stats. and Wis. Admin. Code §§ BC 2.06(2)(d) and BC 4.10(1)(a).

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Respondent shall pay to the Department of Regulation and Licensing a forfeiture of FIVE HUNDRED dollars (\$500.00). Payment shall be submitted within thirty (30) days from the date of this order.

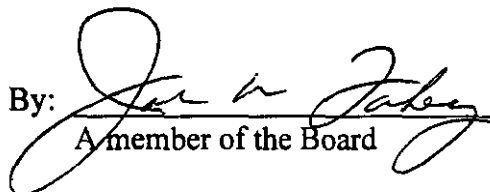
Payment shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

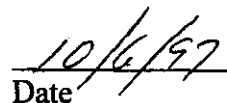
Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

IT IS FURTHER ORDERED that in the event Respondents fail to timely submit payment of the forfeiture as set forth above, the establishment license of LA Nail (license # 537) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: 
A member of the Board


Date

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST :

SAU VAN DANG,
d/b/a LA NAIL,
RESPONDENTS

:
: STIPULATION
: 96 BAC 014 and 96 BAC 114
:

It is hereby stipulated between Sau Van Dang, on behalf of LA Nail and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Enforcement (96 BAC 014 and 96 BAC 114). Sau Van Dang consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. The respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin statutes and the Wisconsin Administrative Code.


3. Respondent is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Barbering and Cosmetology Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the attached order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

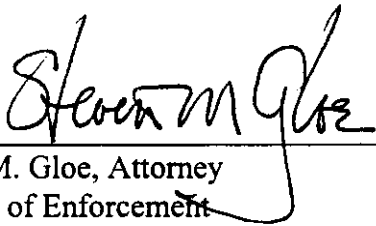
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Barbering and Cosmetology Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Sau Van Dang, on behalf of LA NAIL, in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.



Sau Van Dang
d/b/a LA Nail

8.24.97
Date



Steven M. Gloe, Attorney
Division of Enforcement

8.28.97
Date

Department of Regulation & Licensing

State of Wisconsin

P O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416
TRS# 1-800-947-3529

hearing or speech
impaired only

GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On October 6, 1997, the Barbering and Cosmetology Examining Board
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a
forfeiture.

The amount of the costs assessed is: _____ Case #: _____

The amount of the forfeiture is: \$500.00 Case # LS9710064BAC

Please submit a check or a money order in the amount of \$ 500.00

The costs and/or forfeitures are due: November 5, 1997

NAME: Sau Van Dang, d/b/a LA Nail LICENSE NUMBER: 537

STREET ADDRESS: 816 Green Bay Plaza

CITY: Green Bay STATE: WI ZIP CODE: 54304

Check whether the payment is for costs or for a forfeiture or both:

 COSTS X FORFEITURE

Check whether the payment is for an individual license or an establishment license:

 INDIVIDUAL X ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

DEPARTMENT OF REGULATION AND LICENSING
1400 E. WASHINGTON AVE., ROOM 141
P.O. BOX 8935
MADISON, WI 53708-8935

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

G \BDLSFM2145 DOC

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Sau Van Dang,
d/b/a La Nail,

AFFIDAVIT OF MAILING


Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On October 9, 1997, I served the Final Decision and Order dated October 6, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9710064BAC, upon the Respondent Sau Van Dang, d/b/a La Nail, by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 158 224.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Sau Van Dang,
d/b/a La Nail
816 Green Bay Plaza
Green Bay WI 54304



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 9th day of October, 1997.



Notary Public, State of Wisconsin

My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

October 9, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

: A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)